



CITY COUNCIL AGENDA

SEPTEMBER 26, 2000

SYNOPSIS

LINDA J. LE ZOTTE
CHARLOTTE POWERS
CINDY CHAVEZ
VACANT
MANNY DIAZ

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI
GEORGE SHIRAKAWA, JR.
ALICE WOODY
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

1 CALL TO ORDER AND ROLL CALL

9:35 a.m. - Closed Session, Room 600, City Hall
Absent - Council Members: Woody (excused).

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members - None.

2 INVOCATION

**Reverend Ken Foreman, Jr., Cathedral of Faith, delivered the Invocation.
(District 8)**

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

4 ORDERS OF THE DAY

5 CEREMONIAL ITEMS

6 CONSENT CALENDAR

a. Minutes for Approval

- (1) Regular Meeting of June 13, 2000
Approved.
- (2) Joint City Council/Redevelopment Agency Board Meeting of June 13, 2000
Approved.
- (3) Regular Meeting of June 20, 2000
Approved.
- (4) Joint City Council/Redevelopment Agency Board Meeting of June 20, 2000
Approved.

6 CONSENT CALENDAR

b. Ordinances for Final Adoption

None.

c. Public Hearings Set by Council

None.

d. Plans and Specifications

- (1) Adoption of resolutions approving plans, final map, and contract for subdivision tracts, if any.

None.

e. Contracts/Agreements

- (1) Approval of a third amendment to the lease agreement with United Parcel Service, Inc. for premises located at 1277 Airport Boulevard and extending the agreement for a month-to-month term through September 30, 2005, with annual revenue to the City totaling \$64,185. CEQA: Resolution 67380. (Airport)

Approved.

- (2) Report on bids and award of the purchase of two (2) 11,000-pound dump trucks to the low bidder, Melrose Ford, for the Department of Streets and Traffic at a total cost of \$88,669.76, including tax, and authorization for the Director of General Services to execute the purchase order for the:

(a) Immediate purchase of two (2) units.

(b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.

(General Services)

Approved.

- (3) Adoption of a resolution authorizing the City Manager to negotiate and execute a fifth amendment to the agreement with the County of Santa Clara for the abatement of weeds, to allow the County to increase the program fees to 150% of the weed abatement contractor's costs to cover increased administrative costs of the program. (Planning, Building and Code Enforcement)

Resolution No. 69909 adopted.

- (4) Report on bids and award of contract for the Hathaway Park Youth Lot Project to the low bidder, Lone Star Landscape, Inc., for the base bid and Add Alternate No. 1 in the amount of \$193,565, and approval of a contingency in the amount of \$15,000. CEQA: Exempt. (Public Works)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (5) Report on bids and award of contract for the Meadows Park Improvements Project to the low bidder, Blossom Valley Construction, Inc., in the amount of \$139,825, and approval of a contingency in the amount of \$10,000. CEQA: Exempt. (Public Works)
Approved.
- (6) Approval of Contract Change Order No. 5 with Pacific Electric Company for the Street Lights Crackdown 99 Project in the amount of \$16,800, for a total contract amount of \$213,148.37. CEQA: Exempt. (Public Works)
Approved.
- (7) Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with URS Greiner Woodward Clyde (URSGWC) for consultant services for the New Civic Center Project for the period September 26, 2000 to December 31, 2002, in the amount of \$200,000, and additional services in the amount of \$20,000, for a total agreement amount of \$220,000. (Public Works)
Resolution No. 69910 adopted.
- (8) Adoption of a resolution authorizing the City Manager to negotiate and execute a sublease agreement, with one (1), one-year option, with Earthlink, Incorporated for 14,396 square feet of office space located on the seventh floor of the Horizon Center at 2 North Second Street, for the Public Works Department Transportation Engineering Division, at a rental rate of \$57,584 per month during the first year of the lease, increasing to \$62,622.60 in the final year of the lease. (Public Works)
Resolution No. 69911 adopted.
- (9) (a) Approval of the first amendment to the agreement for consultant services with DMG - Maximus, to conduct a study of the Planning, Building and Code Enforcement Department's development fee program, extend the agreement term through February 23, 2001, and increase compensation by \$114,000, from \$44,000 to \$158,000.
Approved.
- (b) Adoption of appropriation amendments in the General fund in the amount of \$64,000 to Planning, Building and Code Enforcement for a Development Fee Study.
(Planning, Building and Code Enforcement/City Manager's Office)
[Deferred from 9/19/00 – Item 6e(2)]
Ordinance No. 26208 adopted.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (10) Approval of an amendment to the agreement with MPA Design, Inc. for consultant services for the preparation of the South Central Pool Master Plan, extending the term of the agreement from September 30, 2000 to March 31, 2001, at no increase in total compensation. (Public Works)
(Rules Committee referral 9/20/00)
Approved.

f. Routine Legislation

None.

END OF CONSENT CALENDAR

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

a. Report of the Study Session

Mayor Gonzales, Chair

No report.

b. Report of the Rules Committee – September 13, 2000

Vice Mayor Fiscalini, Chair

- (1) Review September 26, 2000 Draft Agenda
The Committee approved the September 26, 2000 City Council agenda.
- (2) Add New Items to September 19, 2000 Amended Agenda
The Committee recommended three additions to the September 19, 2000 City Council agenda.
- (3) Meeting Schedules
The Rules Committee recommended approval of the following meetings:
- a. Study Session on *Investing in Results, Milestone #3*, Thursday, October 19, 2000, 9:00 a.m. to 12:00 noon, at a location to be determined.**
 - b. Evening City Council Session, Tuesday, October 24, 2000, 7:00 p.m.**
- (4) The Public Record
The Committee noted and filed the Public Record.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee – September 13, 2000 (Cont'd.)

Vice Mayor Fiscalini, Chair

- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Status report on request to add a retiree to the Federated Retirement Board
The Committee directed Alex Gurza to present another status report to the Rules Committee in October regarding the request to add a retiree to the Federated Retirement Board.
- (6) Oral communications
None were presented.
- (7) Adjournment
The meeting was adjourned at 2:10 p.m.

Rules Committee report and actions of September 13, 2000 accepted.

c. Report of the Finance and Technology Committee – September 13, 2000

Council Member Woody, Chair

- (1) Monthly Investment Report for July 2000
The Committee accepted the Staff report.
- (2) Quarterly IT Major Projects Status Report
The Committee accepted the Staff report.
- (3) Sales and Business Tax for Quarter ending June 30, 1999
The Committee accepted the Staff report.
- (4) Status Report on 100% Business Tax Hardship Re fund Program
The Committee accepted the Staff report.
- (5) Staff Report on the Financing Mechanism for the 4th and San Fernando Parking Garage
The Committee accepted the Staff recommendations and directed Staff to return to the Finance and Technology Committee with more information prior to seeking City Council approval.

SEE ITEM 9d FOR COUNCIL ACTION TAKEN

- (6) Comprehensive Annual Financial Report for year ended 1999-00
The Committee accepted the Staff report.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

**c. Report of the Finance and Technology Committee – September 13, 2000 (Cont'd.)
Council Member Woody, Chair**

- (7) Oral petitions
 - (1) **Ross Signorino spoke on the Redevelopment Agency audits.**
 - (2) **Bill Garbett spoke on the use of the PeopleSoft software, the financing mechanism for the parking garage and the CAFR.**
- (8) Adjournment
The meeting was adjourned at 11:35 p.m.

Finance and Technology Committee report and actions of September 13, 2000 accepted.

d. Report of the Economic and Community Development Committee – September 11, 2000

Council Member Diaz, Chair

- (1) Continue Discussion on the Remaining Proposed Revisions to the Sign Ordinance
The Committee deferred this item to the October agenda.
- (2) 1999-00 Convention Center Performance Report
The Committee accepted the report.
- (3) 2000 Public Art Workplan Third Quarterly Report
The Committee accepted the report.
- (4) Quarterly Report on Housing Rehabilitation Program
The Committee accepted the report.
- (5) Quarterly Report on Activity in the Project Development Program
The Committee accepted the report.
- (6) Quarterly Report on the Housing and Homeless Fund
The Committee accepted the report.
- (7) Report on Residential Seismic Safety Program
The Committee deferred this item to the November agenda.
- (8) Update on the Revolving Loan Fund Program – RLF
The Committee approved the update on the RLF.
- (9) Oral petitions
Bill Garbett spoke on the 2000 Public Art Workplan Third Quarterly Report and the Report on Residential Seismic Safety Program.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

d. Report of the Economic and Community Development Committee – September 11, 2000

Council Member Diaz, Chair

(10) Adjournment

The meeting was adjourned at 3:15 p.m.

Economic and Community Development Committee actions and report of September 11, 2000, accepted.

e. Report of the Transportation and Environment Committee – September 14, 2000
Council Member Powers, Chair

(1) Consent Calendar

There were no Consent item.

(2) Report on Traffic Level of Service and Neighborhood Livability Issues
The Committee recommended scheduling a Smart Growth Workshop, with at least one purpose of the workshop be to define general terms and objectives for a Workplan for livability.

(3) Oral petitions

None presented.

(4) Adjournment

The meeting was adjourned at 3:00 p.m.

Transportation and Environment Committee report and actions of September 14, 2000 accepted.

f. Report of the Education, Neighborhoods, Youth, and Seniors Committee

Council Member Shirakawa, Jr., Chair

No report.

8 LAND USE AND DEVELOPMENT

9 GENERAL GOVERNMENT

- a. Approval of an agreement with Pacific Gas & Electric Company (PG&E) for conversion of overhead facilities to underground facilities, within the combination Rule 20A/In-Lieu Fee (Rule 20B) Underground Utility District at Capitol Avenue (Phase I), in the amount of \$994,169. CEQA: Resolution No. 69501.1. (Public Works)
(Deferred from 9/12/00 – Item 9a)
Approved.

9 GENERAL GOVERNMENT

- b. Adoption of a resolution providing for speeding and stop sign traffic enforcement on private roads, specifically for a one-year pilot program at five (5) mobile home parks: Imperial San José, Spanish Cove, Magic Sands, Rancho Santa Teresa, and Monterey Oaks. (City Manager's Office)

Resolution No. 69912 adopted.

- c. (1) Approval of an ordinance amending Chapter 9.10 of the San José Municipal Code to establish the Construction and Demolition Diversion Deposit Program for specified Construction & Demolition Project categories.
(2) Adoption of a resolution establishing the deposit rates for the Construction and Demolition Diversion Deposit Program.

CEQA: Resolution No. 65459. (Environmental Services)

Deferred to 10/17/00.

- d. (1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement among the City, Ross Financial and eBond Trade for financial advisory services related to the financing of the 4th & San Fernando Street Parking Garage, in an amount not to exceed \$85,000, for the period July 17, 2000 to June 30, 2001.

Resolution No. 69913 adopted.

- (2) Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement between the City and Quint & Thimmig for bond counsel services related to the financing of the 4th & San Fernando Street Parking Garage, in an amount not to exceed \$91,000, for the period July 17, 2000 to June 30, 2001.

[Finance and Technology Committee referral 9/13/00 – Item 7c(5)]

Resolution No. 69914 adopted.

- e. Approval of the Parque de la Amistad Master Plan. CEQA: Exempt. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

- f. Report on bids and award of contract for the Airport Terminal C Asbestos Removal North Ticket Wing Project to the low bidder, Tri-State Restoration, Inc., in the amount of \$775,000, and approval of a contingency in the amount of \$78,000. CEQA: Exempt. (Public Works)

Approved.

- g. Public Hearing on the 1999-2000 Consolidated Annual Performance Evaluation Report (CAPER). (Housing)
(Continued from 9/12/00 – Item 9e)

Mayor Gonzales opened the public hearing and William Garbett spoke in opposition; the two-week public review and comment period which began on September 12, 2000 was closed, and the 1999-2000 CAPER report was approved.

9 GENERAL GOVERNMENT

- h. Report of League of California Cities Annual Conference and Board Meeting. (Woody)
(Continued from 9/12/00 – Item 9i)

Council heard a verbal report by Council Member Woody.

- i. Approval of the Kelley Park Master Plan Amendment and Vietnamese Cultural Heritage Garden Master Plan. CEQA: Resolution No. 66098. (Public Works/Conventions, Arts and Entertainment)
(Rules Committee referral 9/20/00)

Approved.

10 FISCAL AFFAIRS

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 CLOSED SESSION REPORT

15 ORAL COMMUNICATIONS

HEARD JOINTLY WITH REDEVELOPMENT AGENCY PUBLIC DISCUSSION

- (1) **Cathy Brandhorst spoke on societal issues.**
- (2) **Ross Signorino spoke on cell phone usage.**

16 ADJOURNMENT

The Council of the City of San José adjourned at 2:44 p.m.